

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RACHEL GENEVIEVE POWERS,

Plaintiff,

-against-

JEREMIAH DARNELL WEBB, et al.,

Defendants.

1:24-CV-3094 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated April 24, 2024, the Court directed Plaintiff, within 30 days, to submit a completed request to proceed *in forma pauperis* (“IFP” or “IFP application”) or pay the \$405.00 in fees required to file a civil action in this court. (ECF 2.) That order specified that failure to comply would result in dismissal of this action. (*Id.*) On May 5, 2024, Plaintiff filed a notice of interlocutory appeal. (ECF 3.) In an order dated May 31, 2024, and issued as a mandate on July 24, 2024, the United States Court of Appeals for the Second Circuit dismissed Plaintiff’s appeal, effective June 21, 2024, due to Plaintiff’s failure to seek IFP status to appeal or pay the fees to appeal. *Powers v. Webb*, No. 24-1318 (2d Cir. May 31, 2024). Plaintiff has not filed an IFP application in this court or paid the fees to bring this civil action in this court. Accordingly, the Court dismisses this action without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Court certifies, under 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to enter a judgment dismissing this action for the reason set forth in this order.

SO ORDERED.

Dated: September 20, 2024  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge